

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES OF AMERICA)	
)	
)	
v.)	Criminal No. 05-10102-JLT
)	
)	
JOHN BRUENS, MARY STEWART, MARC)	
SIROCKMAN, MELISSA VAUGHN)	
)	
Defendants.)	
_____)	

GOVERNMENT'S EXHIBIT LIST

The parties agree that the Exhibits in **bold** may be admitted; the remaining exhibits are disputed.

1. Serostim vial [physical exhibit]
2. Serostim starter kit [physical exhibit]
3. Serostim Product Monograph [No bates number]
4. **M & IT Sales Org Chart dated 1/25/99 [CUR-02958]**
5. **Regional Director Position Description [S 0605461 - 0605462]**
6. Serono "Spirit of M&IT" Video (9/23/98) [S Vid 05]
7. Mary Stewart E-mail 11/12/98: Important! Five Point Sales Plan for Q4 98 [No bates number]
 - a. Bad Dog Flyer called Bad to the Bone
 - b. Flyer: No Time to Waste; Big Dog Rewards
 - c. Mary Stewart E-mail 11/18/98: "\$10,000 Kicker
8. Franklin Planners (1997-1999) (Physical Exhibits)
9. November 24, 1998 Notes of Conference Call notes [No bates number]
10. November 30 & December Notes of Conference Calls [No bates number]

11. Jackson E-mail to Vaughn 1/12/99 re: South Business Plan [S Elec 0687756-0687757]
12. January 15, 1999: Midatlantic Region Biweekly Update [S 0785790 - 0785792]
13. January 22, 1999 RD Conference Call notes (\$500k short of ex-factory) [No bates number]
14. **Abel E-mail to Jackson & RDs 1/27/99 re: Versatile Training - March [S Elec 0574347 - 0574350]**
15. January 29, 1999 RD Conference Call (Sales goal \$9.6m/actual \$10.8 mil) notes [No bates number]
16. February 5, 1999 RD Conference Call notes [No bates number]
17. Jackson Memo to Stewart re: Midatlantic Region Bi-Weekly Update - Week Ending 2/10/99 [S Elec 0647196-0647200]
18. February 11, 1999 RD Conference Call notes (sales goal)[No bates number]
19. February 19, 1999 RD Conference Call notes (Ernesto & transition) [No bates number]
20. March 1, 1999-- notes of Boston Harbor Hotel Meeting [No bates number]
21. **Vaughn E-mail to Jackson 3/01/99 re: Q 1 Update [S Elec 0657810 - 0657811]**
22. **Stewart E-mail to Regional Directors, Bruens, Azulay, Hart, Parra, Frank & Bell 3/02/99 re: "We need to generate \$6 M+ in the next 6 Days!!" [S Elec 0694791.001-0694793.001]**
23. **Jeff Hart E-mail to RD's w/ Top 50 Prescribers with Tracking Mechanism [S Elec 0521288 - 0521294]**
24. **Jackson Toll Records (Statement Date: March 10, 1999) [S ER JACKS 00050 - 00059]**
25. **Jackson Toll Records Bell Atlantic 3/09/99 [S 0714871-714879][9 pages]**
26. Jackson Travel Expense Report: dated March 6, 1999 [S ER JACKS 00304 - 00323]
27. Transcription of Melissa Vaughn Voice Mail [No bates number]
28. **E-mail from Jackson to Stewart 3/03/99 re: Q1 Project [S Elec 0521309]**

- 29. **Jackson E-mail 3/03/99 to Stewart, Frank, Azulay, Bruens, Parra & Hart Re: “blitz sheet - Midatlantic region” [S Elec 0679497 - 0679498]**
- 30. Jackson E-mail to Stewart 3/04/99 “Today’s Conference Call” [S Elec 0694811-0694812]
- 31. **Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 4 Daily Report [S Elec 0212498 - 0212499]**
- 32. **Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 5 Update [S Elec 0212544]**
- 33. March 5, 1999– RD Conference Call [No bates number]
- 34. **Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 8 Daily Report [S Elec 0212595 - 0212596]**
- 35. **Jackson E-mail to Regional Directors 3/09/99 Re: Chart Examples [S Elec 0521420-0521424]**
- 36. **Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Tues Mar 9 Rpt [S Elec 0212619 - 0212620]**
- 37. Jackson E-mail to Sawin 3/09/99 Re: Business Plan [S Elec 0648717]
- 38. **Jackson E-mail to Stewart, Hart, Frank, Azulay, Bruens & Parra: Mar 10th Daily Report [S Elec 0212805 - 0212806]**
- 39. Jackson Memo 3/12/99 Re: Midatlantic Region Bi-Weekly Update Week Ending 3/12/99 [S Elec 0648968-0648969]
- 40. March 12, 1999: RD Conference Call notes [No bates number]
- 41. Note to Kim from Ellen Frank re: “Strategic Intent for M&IT in 1999 and beyond!” [No bates number]
- 42. March 26, 1999 – RD Conference Call notes [No bates number]
- 43. Jackson E-mail to Abel, RDs and Stewart 4/04/99 re: “Q3 business plan format” [S Elec 0521947 - 0521948]
- 44. Jackson E-mail to Stewart & Abel: Business Plans [S Elec 0521874 - 0521904] [S 0237495 - 0237524]

45. Jackson Employment Offer dated August 17, 1997 [S 0605459 - 0605460]
46. **Promissory Note dated September 26, 1999 [S 0605383 - 0605384]**
47. Resignation letter effective September 24, 1999 [S 0605431]
48. **Boston Harbor Hotel Records re: March 1 Meeting receipts [No bates number]**
49. September 3, 1998 Memo: Wholesaler Plan of Action, Sept-Dec. 1998 [S 0177186-177189]
50. **Metabolism Market Demand: February Powerpoint S Elec 0213130 - 0213142]**
51. **Serostim Demand Data: February 1999 [S Elec 0525273 - 0525322]**
52. **IMS Market Analysis: February 1999 [S Elec 0521484-0521489]**
53. **IMS Market Analysis: March 1999 [S Elec 05215155-05215160]**
54. **Hart E-mail to Sawin, Jackson, Vaughn & Sirockman: March 1, 1999 at 8:22 p.m. at Tracking Sheet [S Elec 0648269 - 0648270]**
55. **Hart E-mail to RD's and Management dated 03/02/99 (2:57 p.m.) Re: "Top 50 Serostim Retail Prescribers with Tracking Mechanism" [S Elec 0679460 - 0679466]**
56. **Ogar E-mail to Hart & others dated 03/02/99 (2:57 p.m.) Re: January Retail Data [S Elec 0648281 - 0648311]**
57. **Hart E-mail to Ogar dated 03/02/99 Re: Q1 Goals [S Elec 0212429-0212436]**
58. Vaughn E-mail to Hart dated 03/03/99 Re: "1998/1999 alignment changes [S Elec 0657968-0657988]
59. **SIROCKMAN "\$6M-6Day Tracking":**
 - a. **E-Mail 03/03/99 (10:04 p.m.) "\$6M-6 Day Tracking" with attachment [S Elec 0212464 - 0212465]**
 - b. **E-Mail 03/04/99 (9:47 p.m.) "Tracking 6M" with attachment [S Elec 0212496 - 02121497]**
 - c. **E-Mail 03/05/99 (6:36 p.m.) "\$6 Million Tracking" with attachment [S Elec 0212545 - 0212546]**
 - d. **E-Mail 03/08/99 (11:54 p.m.) "\$6M Tracking" with attachment [S Elec 0212588 - 0212589]**

- e. E-Mail 03/09/99 (8:02 p.m.) "6M Tracking" with attachment [S Elec 0212617 - 0212618]
- f. E-Mail 03/10/99 (7:13 p.m.) "Tracking 6M" with attachment [S Elec 0212803 - 0212804]
- g. E-Mail 03/11/99 (8:29 p.m.) "\$6M Tracking" with attachment [S Elec 0679996 - 0679997]

60. VAUGHN: "South Report":

- a. E-mail 03/04/99 (9:07 a.m.): "South Script Report" with attachment [S Elec 0658022 - 0658023]
- b. E-mail 03/05/99 (8:37 a.m.): South Report - Mar 4" with attachment [S Elec 0658028 - 0658029]
- c. E-mail 03/06/99 (9:22 a.m.): "Friday, 3/5 Scripts - South Region" with attachment [S Elec 0658037 - 0658038]

61. STUPAK: "RX's FOR THE DAY":

- a. E-mail 03/03/99 (10:04 p.m.): "RX's FOR THE DAY" with attachment [S Elec 0679501 - 0679502]
- b. E-mail 03/05/99 (1:02 a.m.): "RX's for the Day" with attachment [S Elec 0212504 - 0212505]
- c. E-mail 03/08/99 (12:17 a.m.): "rx's for Friday"with attachment [S Elec 0212552 - 0212553]
- d. E-mail 03/09/99 (7:09 p.m.): "Rx's for day" with attachment [S Elec 0212615 - 0212616]

62. MUNSON:

- a. E-mail 03/03/99 (11:23 p.m.): "6600 3, 1/3 Scripts" [S Elec 0212466 - 0212467]
- b. E-mail 03/04/99 (10:56 p.m.): "6600 scripts total for 3/4" [S Elec 0212502 - 0212503]
- c. E-mail 03/08/99 (2:01 a.m.): "6600 total 3/5" [S Elec 0212559 - 0212560]
- d. E-mail 03/08/99 (10:59 p.m.): "6600 3/8 totals" [S Elec 0212586 - 0212587]
- e. E-mail 3/09/99 (10:17 p.m.): "6600 totals for 3/9" [S Elec 0212621 - 0212622]
- f. E-mail 03/11/99 (12:31 a.m.): "6600 total for 3/10" [S Elec 0212809 - 0212810]
- g. E-mail 03/11/99 (10:53 p.m.): "6600 totals for 3/11" [S Elec 0212823 - 0212824]

63. SAWIN: "West Numbers"

- a. E-mail 03/04/99 (1:37 a.m.): "West Numbers for 3/3" with attachment [S

- Elec 0212470 - 0212471]**
 - b. E-mail 03/06/99 (12:16 a.m.): "West Numbers 3/5" with attachment [S Elec 0606637 - 0606638]**
 - c. E-mail 03/09/99 (1:20 a.m.): "West Numbers 3/8" with attachment [S Elec 0606663 - 606664]**
 - d. E-mail 03/11/99 (12:31 a.m.): "West numbers 3/10/99" [S Elec 0606717 - 0606718]**
 - e. E-mail 03/13/99 (1:04 a.m.): "Bi weekly from West 3/12/99" [S Elec 0606729 - 0606733]**
- 64. March 4, 1999 (8:39 a.m.) E-mail from Hart to Vaughn re: "Final Q1 Goals" [S Elec 0212474]
- 65. March 4, 1999 (4:14 p.m.) E-mail from Vaughn to Hart re: "Quotas et al." [S Elec 0658027]
- 66. March 5, 1999 E-mail from Vaughn to Hart re: "Confusion!"[S Elec 0658035]
- 67. March 5, 1999 E-mail from Vaughn to Hart re: "MORE xfer of Docs [S Elec 0658036]
- 68. March 5, 1999 E-mail from Abel to Hart re: NSM Presentation [S Elec 0212511 - 0212545]
- 69. March 8, 1999 E-mail from Ogar to RD's and management re: "Specialty Provider - Dec vs Jan" [S Elec 0658040-0658043]
- 70. March 9, 1999 E-mail from Ogar to RD's and management re: "January Non-Retail Data" [S Elec 0658044]
- 71. March 11, 1999 E-mail from Parra to Hart Re: "Inventory Sheet" [S Elec 0212825-0212827]
- 72. Vaughn E-mail to Hart 3/15/99 re: COE Bulletin [S Elec 0658074-0658075]
- 73. Agenda for National Sales Meeting: March 15-19, 1999 [S 0128259-0128273]**
- 74. March 18, 1999 E-mail from Hart to Vaughn re: "Q1 Goals" [S Elec 0213063]
- 75. March 23, 1999 E-mail from Parra to Hart re: March Wholesale Forecast [S Elec 0213187-0213188]
- 76. March 30, 1999 E-mail from Green to RD's and management re: "Top 50 Prescribers in the Nation [S Elec 0521666 - 0521676]
- 77. March 31, 1999 E-mail from Hart to Frank, Stewart, Bruens & Parra re: Ex-Factory

Summary for Q1 [S Elec 0521707 - 0521708]

78. March 31, 1999 E-mail from Hart to RD's and management re: "CDC Data by Region" [S Elec 0521811]
79. April 7, 1999 E-mail from Hart to Management and RD's re: "Serostim Trends through 2/99" [S Elec 0522064.001-522065.001]
80. **April 7, 1999 E-mail from Hart to Management and RD's re: "Q1 1999 Ex-Factory Data" [S Elec 0522066.001-052274.001]**
81. April 8, 1999 E-mail from Kathleen Ogar to Management including Bruens, Stewart & Hart re: "Serostim February Demand Data [S Elec 0522503.001-0522511.001]
82. April 10, 1999 E-mail from Hart to Frank, Stewart, Bruens, Jordan & Parra re: "Non-Track Data Analysis (DRAFT)" [S Elec 0213526-0213528]
83. April 14, 1999 E-mail from Hart to RD's and Management re: "March Retail Topline" [S Elec 0681392.001]
84. April 23, 1999 E-mail from Valle to Frank, Stewart, Bruens, Hart, Muurahainen re: "MIT SBU Financial Review Meeting" [S Elec 0525254-0525266]
85. May 6, 1999 E-mail from Ogar to Bruens, et al & Hart re: "March Serostim Demand" [S Elec 0218447 - 0218455]
86. May 24, 1999 E-mail from Ogar to Stewart, RD's & Hart re: "April Retail Data [S 0237568 - 0237571]
87. June 3, 1999 E-mail from Ogar to Stewart, RD's & Hart re: "April Non-Retail Data" [S 0237567]
88. Saul Malozowski, M.D. Curriculum Vitae [No bates number]
89. Serostim Final Product label [No bates number]
90. **Check Request Form, 3/22/99, with attachments [S ER WOMBL 00027-S ER WOMBL 00034]**
91. **March 31, 199[9] letter to Dr. Corazon [S 0141399]**
92. **Check request dated 4/12/99 for Dr. Corazon \$4,000 with copy of check [S 0141397-S 0141398; last page no bates number]**

93. **March 31, 199[9] letter to Dr. Liskey [S 0141413]**
94. **Check request dated 4/15/99 for Dr. Liskey with copy of check [S 0141411-S 0141412; last page no bates number]**
95. **March 31, 199[9] letter Dr. Bellos [No bates number]**
96. **Check request form dated 4/6/99 [S 0141347 - 0141348] and copy of check [No bates number]**
97. **Fax cover sheet and April 9, 1999 letter to Dr. Wallach [S 0141345 - 0141346]**
98. **Check request form dated 4/7/99 and copy of check to Dr. Wallach with “VOID” Check request form dated 4/16/99 [S 0141342] and copy of check [S 0141344]**
99. **Letter from Dr. Cazen to Michael Moynihan of February 5, 1999 [S 0140679]**
100. **Copy of check and check stub [S 0141341]**
101. **Check request form, invoice [S 0141402 - 0141403]**
102. **Check to Dr. Cazen \$338.90 (Cannes Registration Fee)[S 0141401]**
103. Letter marked as “draft” from John Bruens and Norma Muurahainen, M.D. [S Elec 0156932 - 0156934]
104. **March 30, 1999 Fax to Gerri Carson with attachment [No bates number]**
105. **March 31, 199[9] letter to Dr. Cantey [No bates number]**
106. **April 13, 1999 letter to Dr. Cantey, with filled out fax from Dr. Cantey [No bates number]**
107. **On the Go Travel Itinerary re: Dr. Cantey [No bates number]**
108. Account Profile Dr. Howard Grossman, with handwritten notes [S 0042850]
109. **April 5, 1999 Fax to Dr. Howard Grossman [S 00425851-S 0042865]**
110. **Check to Dr. Wanke, \$4000 [No bates number]**
111. **Invoice [S 0141334] and Cancelled check [No bates number] to Lawrence Higgins, D.O, M.P.H.**
112. **Check (cancelled) to Dr. Scolaro, \$4,000 [No bates number]**

- 113. Check (cancelled) to Wilbert Jordan, M.D. [No bates number]**
- 114. Check (cancelled) to Guillermo Santos, M.D.[S 0141333 & No bates number]**
- 115. E-mail April 4 1999 from Bruens via Womble re: “Cannes Physicians” [S 0111376]**
- 116. E-Mails April 5, 1999 to and from Ross Petit to Norma Muurahainen and others [S Elec 304628-304631]**
- 117. E-Mail from Susan Womble to Mark Krueger [S Elec 0680705]**
- 118. E-Mail April 11, 1999 from Mark Krueger to Susan Womble [S 0040172]**
- 119. E-mail April 12, 1999 from Womble to Bruens re: Marketing invitees to Cannes [S Elec 0681345]**
- 120. E-mail April 14, 1999 from Womble to Bruens re: Marketing Invitees To Cannes [S 0933251]**
- 121. E-mail April 12, 1999 from Womble to Husick re: Delegates to Cannes, France [S 0933246-0933249]**
- 122. E-mail April 12, 1999 from Womble re: Gifts [S Elec 0681346]
- 123. Womble email dated 4/12/99, 5:50 p.m. to Johanna Hosick re: Delegates to Cannes, France with attachment of draft letter [S Elec 0608437-0608441]
- 124. E-mails, April 12 and 13, 1999, to and from Bruens and Norma Muurahainen, cc: Womble, re: Gifts and dinners in Cannes [S Elec 0681349-0681351]**
- 125. E-mails re: Entertainment Schedule for Cannes, April 7-8, 1999 [S Elec 0681174-1175]**
- 126. E-mail from Krueger to Bruens, 4/14/99, re: Update on Cannes Arrangements [S Elec 0782631 - 0782633]
- 127. E-Mail from Bruens, 4/15/99, re: gifts [S Elec 0681398]**
- 128. Womble e-mail to M. Krueger, 4/15/99 re: List of Invitees with attachment [S Elec 0681393-0681397]**
- 129. Chart of “Dinner Invitees and Responses,” as of 4/16/99 3:00 p.m. [S 0044878-0044879]**

- 130. Check request form [S ER WOMBL 00055-56]
- 131. American Express Account, closing date: 4/13/99, No. 3783-100384-12000 [S ER Wombl 00057-00068]
- 132. Statement of Account, No. 3783-100384-12000, 5-14-99 [S ER Wombl 00046-53]
- 133. Expense Report for John Bruens, period ending 3/20/99 [S Er Bruen 00066-00070]
- 134. Expense Report for John Bruens, period ending 4/24/99 [S Er Bruen 00095-00118]
- 135. Expense Report for John Bruens, period ending 5/1/99 [S Er Bruen 00119-00123]
- 136. Expense Report, John Bruens, week ending 5/18/99 [S ER Bruen 00124-139]
- 137. Statement of Account, Acct. No. 3787-291634-91002, closing date 5-14-99 [S ER Bruen 00140-00148]
- 138. Check request form dated 4/27/99 [S 0141405-0141410]
- 139. Check request form dated 6/8/99 [S Er Wombl 00069 - 0074.4]
- 140. Jill Cadman fax (5/14/99) and letter (5/4/99) to Sue Womble re: getting reimbursed for Cannes [S 0141337-0141340]
- 141. Check request form and check/invoice [S 0141335-0141336]
- 142. Womble email dated April 30, 1999 to Bruens re Cannes update letter to RD, with attachment [S Elec0681662-0681663]
- 143. Womble e-mail to Scott Lundie, 06/03/99 re: Attendees at Cannes [S Elec 0699533]
- 144. Invoice No 2880, Mark Krueger & Associates, 5/17/99 [354292-354296]
- 145. Handwritten notes of John Bruens – Handwritten Notes -(3/13/99) [S 0933124 - 0933126; 0933130 - 0933132; 0933137]
- 146. E-mail from John Abel, 1/27/99, re: Versatile Training - March [S Elec 0574347]
- 147. E-mail from John Abel, 2/2/99, re: March Social Styles Class [S Elec 0574348-0574350]
- 148. E-mail from Dawne Green, 2/17/99, re: Million Dollar Club/Leaders of the Pack [S Elec

0694055 - 0694056]

- 149. E-mail from Mary Stewart, 2/19/99, re: PRIORITY: January 1998 Business Review S Elec 0694514-0694518]
- 150. E-mail from Mary Stewart, 3/9/99, January Serostim Demand Data [S Elec 0694858]
- 151. E-mail from Joyce Aubut, 4/2/99, with reply from Norma Muurahainen, 4/3/99, re: Cannes Physicians [S 0933245]
- 152. E-Mail from Melissa Vaughn, 3/2/99, re: South Feb Monthly [S Elec 0657813-0657820]
- 153. E-Mail from Mary Stewart, 5/4/99, re: April Monthly [S Elec 0695956 - 0695957]**
- 154. Bi-weekly report ending 2/10/99 from Melissa Vaughn [S Elec 0679184-0679188]
- 155. Bi-Weekly report ending 3/24/99 from Melissa Vaughn [S Elec 0658557-0658561]
- 156. Bi-Weekly report ending March 26, 1999 from Marc Sirockman [S Elec 0649059-0649062]
- 157. Expense Report from February 13,1999 Joyce Aubut [S Er Aubut 00015-00025]
- 158. Summary of Corporate Card Account, for period ending 3/15/99, Acct No. 3787-640894-71002 [S Er Aubut 00026-00039]
- 159. Check dated 4/15/99 to Mary Stewart, with check request form and supporting documents [S Er Stewa 00098-00125]
- 160. Expense Report for Mary Stewart, 02/28/99 [S Er Stewa 00393- 00412]
- 161. E-mail from Stewart, 4/26/99 re: March Retail Data [S Elec 0695749-0695750]
- 162. Frye e-mail to Vaughn dated 2/18/98 re: Performance Review 1997 [S Elec 0631335-0631338]
- 163. Vaughn email of 2/20/98 to Frye in response to Frye e-mail dated 2/18/98 re: Charleston [S Elec 0631422 - 0631423]
- 164. Vaughn e-mail dated 2/20/98 to Frye re: Dinner 2/26/98 [S Elec 0631419)]
- 165. Expense Report: 3/14/99 to 3/20/99 [S ER FRYE 00137 - 00146]
- 166. E-Mails dated 5/05/99 and 5/8/99 from William Frye to John Bruens re: Dr. Cantey, includes reply by John Bruen to William Billy dated 5/6/99. [S Elec 0681787 -**

0681788]

- 167. E-mail dated 6/2/99 from Frye to John Abel re: Charleston program 6/24/99 [S 0140988]**
- 168. Serono Professional Education Program and Check Request (June 1999) [S 0140987]**
- 169. Department of Veterans Affairs: Acceptance of Gifts . . . signed by Dr. Cantey [no bates number]**
- 170. Original Cannes Brochure (S 0933055-093319)**
- 171. Photographs of Carlton Intercontinental Hotel [No bates number]
- 172. Photograph of Esplanade President Georges Pompidou [No bates number]
- 173. Book: "The French Riviera" [No bates number]
- 174. Check to MUSC \$1,600 6/14/99 [S 0140986]**
- 175. Letter dated 11/24/99 from Poretta & Orr enclosing check re: speaking in Augusta, GA in August 1999 [P&O 000470]
- 176. Katherine Canavan Daily planners [No bates numbers]
- 177. Information charging Adam Stupak [No bates number]
- 178. Adam Stupak Plea Agreement [No bates number]**
- 179. 1996 "Rookie of the Year" Plaque [Physical exhibit]
- 180. 1997 "Council of Excellence" Plaque [Physical exhibit]
- 181. January 1999 "Thunderbolts Weekly Update" [S Elec 0678559 - 0678560]
- 182. Stupak E-mail to Stewart 2/24/99 re: "Strategies for Q1" [S Elec 0694701 - 0694702]
- 183. Stupak E-mail to Bruens & Stewart 2/26/99 re: "Competitive Update---" [S Elec 0694730]
- 184. Stupak E-mail to Stewart & Aubut 2/26/99 re: "Monthly" with attachment [S Elec 0694731 - 0694741]

- 185. Stupak E-mail 3/1/99 re: Q1 [S Elec 0521280-0521281]
- 186. **Stupak E-mail to NY CC's 3/01/99 at 9:51 p.m. Stupak re: Very Important [No bates number]**
- 187. **Expense Report 03/01 to 03/06/99: Boston Harbor Hotel receipt [S ER STUPA 00336 -00339]**
- 188. **Stewart E-mail to Stupak 3/02/99 at 12:14 p.m. re: Re: Very Important [S Elec 0694783]**
- 189. **Stewart E-mail to Stupak & RD's 3/02/99 at 1:21 p.m. re: \$6M- 6 Day Plan" [S Elec 0212395 - 0212397]**
- 190. Expense Report: 3/21-3/27/1999 w/ attachments [S ER STUPA 00384 - 00404]
- 191. **National Sales meeting Agenda [S Elec 0581556 - 0581660]**
- 192. Bruens Powerpoint at the National Sales Meeting [S 0128135 - 0128177]
- 193. Jeffrey Lynch Expense Report for week ending 03/06/99 [S ER Lynch 00442-00455]
- 194. Jeffrey Lynch Expense Report for week ending 04/10/99 [S ER Lynch 00498 - 00501; 00504-00523]
- 195. **Check and stub to Jeffrey Wallach, M.D. dated 4/15/99 [S 0141342]**
- 196. Stewart E-mail to RD's 3/22/99 re: Deadlines/Evaluation Schedule [S Elec 0694945]
- 197. Stewart E-mail to RD's 3/22/99 re: March NSM Follow-up" [S Elec 0694946 - 0694947]
- 198. Stewart E-mail to Stupak & RD's 3/26/99 re: January Data [S Elec 0695001 - 0695003]
- 199. Stewart E-mail to Stupak Re 3/26/99 re: no subject ("Go Empire Thunderbolts") [S Elec 0581797 - 0581798]
- 200. Stupak E-mail to Stewart 3/29/99 re: Key Accounts with attachment [S Elec 0581799 - 0581803]
- 201. Stupak E-mail to Stewart 3/31/99 Re: April MT RESEND w/ attachment [S Elec 0581824 - 0581835]
- 202. Stupak E-mail to Stewart 3/31/99 re: Coming in Q1 [S Elec 0581836]

- 203. Stupak E-mail to Stewart 4/04/99 re: Action Plan Q2 [S Elec 0581837 - 0581845]
- 204. Stupak E-mail to Stewart 4/10/99 re: 1999 Action Plan [S Elec 0582007 - 0582013] [S Elec 0581989 - 0581993]
- 205. May 1, 1999: Memorandum from Stupak to Stewart re: April Monthly Report [S Elec 0582077 - 0582087]
- 206. Marc Sirockman Performance Appraisal (12/97 to 12/98) [unsigned] [S Elec 0694371 - 0694379]
- 207. Bruce Olmscheid, M.D. Curriculum Vitae [S 0098814 - 0098819]
- 208. Letter of Immunity for Konstantine Pinteris [No bates number]
- 209. Pinteris Expense Report: February 4, 1999 - March 6, 1999 [S ER PINTE 00054 - 00073]
- 210. Pinteris Expense Report: February 11, 1999 - March 13, 1999 [S ER PINTE 00074 - 00104]
- 211. Pinteris Expense Report: February 18, 1999 - March 20, 1999 [S ER PINTE 00105 - 00117]
- 212. Copy of check stub [S 0141334] and check to Lawrence Higgins, M.D. [No bates number]**
- 213. Immunity Order for Jeffrey Lynch
- 214. Check to Guillermo Santos, M.D. [\$4,000] [No bates number]**
- 215. Howard Grossman, M.D., 1999 Appointment Book (w/ blow-ups) [physical exhibit]
- 216. Christine Wanke, M.D. Curriculum Vitae [No bates number]
- 217. Letter of Immunity for Dr. Wanke [No bates number]
- 218. Wanke check and check stub for \$4,000 [WANKE/Serono 00441; Check no bates number]**
- 219. Joseph Gertner, M.D., Curriculum Vitae [No bates number]
- 220. Letter of Immunity for Dr. Gertner [No bates number]
- 221. Chart of CMS data [Not yet available]
- 222. Charts of Cannes Expenses [Not yet available]

- 223. Immunity Order for Adam Whitehurst [no bates]
- 224. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 02/21/99 re: Summits 1998 Year in Review [S Elec 0694627-069428]
- 225. **E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/01/99 at 10:06 p.m. re: READ THIS BEFORE YOU GO TO WORK!!!! [S Elec 0694785.001-0694787.001]**
- 226. **E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/02/99 at 12:18 a.m. re: READ THIS BEFORE YOU GO TO WORK!!!! [S Elec 0658001.001-0658003.001]**
- 227. E-mail from Whitehurst to Vaughn 3/02/99 at 3:22 p.m. re: Key West [S Elec 0657967]
- 228. **E-mail from Vaughn to Whitehurst, Hudgens & South team 03/02/99 at 7:44 p.m. re: Jan Retail Data [S Elec 0657962-0657963]**
- 229. **E-mail from Vaughn to Whitehurst, Hudgens & South team 03/02/99 at 8:06 p.m. re: URGENT: \$6M- 6 Day Plan [S Elec 0657826.001-0657829]**
- 230. **E-mail from Vaughn to Whitehurst, Hudgens & South team 03/02/99 at 8:13 p.m. re: Top 50 Docs [S Elec 0657959-0657960]**
- 231. **E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/02/99 at 11:02 p.m. re: Serostim FIRST LINE! [S Elec 0657957-0657958]**
- 232. **E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/02/99 at 11:25 p.m. re: Oxandrin Targets [S Elec 0657955-0657956]**
- 233. **E-mail from Vaughn to Whitehurst, Hudgens & South team 03/03/99 at 12:24 a.m. re: A better understanding... [S Elec 0657989.001-0657991.001]**
- 234. **E-mail from Vaughn to Whitehurst, Hudgens & South team 03/03/99 at 12:34 a.m. re: Top 50 files [S Elec 0657831-0657841]**
- 235. E-mail from Vaughn to Whitehurst, Hudgens, South team & Stewart 03/03/99 at 10:28 a.m. re: Key West [S Elec 0658007-0658008]
- 236. **E-mail from Vaughn to Whitehurst, Hudgens & South team 03/03/99 at 1:38 p.m. re: PLEASE READ IMMEDIATELY - SECOND TAKE: Please disregard the first one [S Elec 0658011-0658012]**
- 237. **E-mail from Vaughn to Whitehurst & Stewart 3/3/99 at 1:41 p.m. re: March POA**

[S Elec 0658014.0001]

- 238. E-mail from Vaughn to Whitehurst, Hudgens, South team, Stewart & Galinsky 03/03/99 at 02:21 p.m. re: MRS Pending File [S Elec 0521298 - 0521299]
- 239. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/09/99 at 9:34 a.m. re: Specialty Provider - Dec vs Jan [S Elec 0658050-0658053]
- 240. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/09/99 at 9:43 a.m. re: January Non-Retail Data [S Elec 0658054-0658057]
- 241. Vaughn to Stewart South Region Bi-Weekly Update, Week Ending 3/24/99 [S Elec 0658557-0658561]
- 242. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/29/99 at 11:56 a.m. re: Q 1 Goals/Sales [S Elec 0658665.001-0658666.001]
- 243. E-mail from Vaughn to Whitehurst, Hudgens & South team 03/31/99 at 1:15 p.m. re: Q 2 Value Propositions [S Elec 0521747- 0521754; 0521779-0521781]
- 244. E-mail from Vaughn to Whitehurst 4/30/99 re: Dr. Piperato Meeting w/ attachment [S Elec 0662588-0662589]
- 245. E-mail from Vaughn to Whitehurst 5/3/99 re: "Pip's talk" [S Elec 0677774-067779]
- 246. E-mail from Whitehurst to Womble 5/31/99 re: Dr. Piperato G&S [S 0141115]**
- 247. E-mail from Vaughn to Stewart, Frank, Whitehurst, Hudgens & South team and others 05/17/99 re: South Bi-monthly ending 5/12/99 [S Elec 0697487.001-0697491.001]
- 248. Whitehurst Expense Report week ending: 3/06/99 [S ER Whit 00029 - 00045]
- 249. Whitehurst Expense Report dated 4/18/99 (3 reports) [S ER AWhit 000071-00090]
- 250. Whitehurst Expense Report week ending: 5/13/99 [S ER 000138-000145]
- 251. E-mail, \$500 check & stub, Check Request for Piperato talk in May, 1999 [S 0141113 - 0141114]**
- 252. Letter of Immunity for Miguel Catala [No bates number]
- 253. E-mail from Vaughn to Catala 3/3/99 at 1:44 p.m. re: March POA [S Elec 0658015]**
- 254. Check to Ralph Liporace, M.D., \$2,161.79, dated 2/18/99 [no bates]**

- 255. **April 2, 1999 Letter from Bruens to Liporace [S 0046106]**
- 256. Continental Airlines ticket receipt and Itinerary [S Er Aubut 00020]
- 257. **April 8, 1999 letter from Boucher to Liporace re: Speaking engagement: July 6th 1999 [S 0141469]**
- 258. **Check (front and back) to Ralph Liporace, 5/13/99, \$2,500, with stub [S 0141466-467]**
- 259. **E-mail from Tamir to “Rlhivdr” re: Your trip to Israel, July 1999 [S 0046113]**
- 260. E-mail, check request, check & stub for \$6,000 to Ralph Liporace, M.D. [S Elec 0680686, S 0140942 - 0140941]
- 261. E-mail from Vaughn to Stewart, Frank, & others 2/20/99 re: Regional Big “Bad” Dog of the Quarter Southeast Summits Q4 1998 [S 0299320 - 0299321]
- 262. **Vaughn E-mail to Hudgens 3/03/99 @ 12:30 a.m. re: READ THIS BEFORE YOU GO TO WORK!!!! [S Elec 0657830]**
- 263. **Vaughn E-mail to Hudgens & Stewart 3/03/99 @ 1:39 a.m.re: March POA [S Elec 0658013]**
- 264. **Hudgens Call Activity Log for 3/99 [S Elec 0231292-293; 0231970-0231971]**
 - a. Bell South Mobility Telephone Records for Ray Hudgens for the period ending 3/6/99 [no bates number]
- 265. Vaughn e-mail to Hudgens & Stewart 4/01/99 re: Nice Work! [S Elec 0521857]
- 266. **Check Request for Dr. Liporace to speak at National Sales Meeting dated 3/19/99 [S 0046108]**
- 267. Check Request for Dr. Liporace to speak at PWA Coalition of Broward County dated 3/29/99 [S 0141132]
- 268. Appreciation for Exceptional Performance from Mary Stewart dated 04/29/99 (two pages) [RH 0055 & RH 00012]
- 269. Hudgens Expense Report week ending: 2/26/99 [S ER HUDGE 00148 - 00153]
- 270. Hudgens Expense Report week ending 3/06/99 [S ER HUDGE 00154 - 00157]

- 271. Hudgens Expense Report week ending: 3/20/99 [S ER HUDGE 00163-00173]
- 272. Hudgens Expense Report week ending: 3/27/99 [S ER HUDGE 00174-00189]**
- 273. Stewart E-mail to Vaughn & Frank 3/25/99 re: Dr. Liporace Patient Testimonial Video [S Elec 0694986 - 0694987]
- 274. Vaughn E-mail to Stewart, Whitehurst, Hudgens, South team & others 3/26/99 re: South Bi-Weekly ending 3/24 [S Elec 0655379-0655380]
- 275. Immunity Order for John Abel [no bates]
- 276. E-mail from Stewart to Aubut, 4/28/98, re: May Training Class [S Elec 0553574-055380]
- 277. E-mail from Abel to RD, 6/22/98, re: July Training Class [S Elec 0548416]
- 278. E-mail from Abel to Frank and others re: July Training Schedule [S Elec 0548483-8487]
- 279. Chart, "July Training Class" 7/16/98 [S 0051690]
- 280. Basic Training Class Attendees [S 0051668]
- 281. Serono Laboratories, Inc., Hilton Rooming List [S 0051672]
- 282. E-mail from Stewart to Abel, 6/22/98, re: July Training Class [S Elec 0716168]
- 283. E-mail from Abel to RD, 8/27/98 re: September Basic Training [S 0306076-6081]]
- 284. Training Class Attendees [S 0306082]
- 285. Training Class Agenda 9/14-9/18/1998 [S 0052455-2459]
- 286. Part 4 - Advertising and Promotion, 9/17/98 [S 0052436-2453]
- 287. Letter from Abel to Womble, 8/13/98 [S 0052465]
- 288. Letter from Abel to Aromando, 9/4/98 [S 0052470 - 0052471]
- 289. E-mail from Stupak to Sirockman, 9/23/98 re November Basic Training [S 0052608]
- 290. E-mail from Sirockman to Stupak/Abel, 9/24/98 re: November Basic Training [S Elec 0549663]
- 291. E-mail from Abel to August, 1/4/99, re: January Basic Training [S 0052551-2552]

- 292. Training Class Agenda, January 11-14, 1999 [S 0052545-0052549]
- 293. Professional Education Program and Check Request, 4/11/99 [S 0141501]**
- 294. Abel Memorandum to Stewart, 4/30/99, re: Mid-Atlantic Region Biweekly Report - Week Ending April 28, 1999 [S Elec 0656696-6701]
- 295. Letter of Immunity for Jeffrey Aromando [No bates number]
- 296. Business Plan 1999 C.C. Territory - Jeffrey Aromando [S Elec 0695175 - 0695179]
- 297. E-mail from Sirockman dated 2/12/99 Re: "Lion of the Month" [S Elec 0693969 - 0693970]
- 298. E-mail from Sirockman dated 2/12/99 re: Q1 Goals w/ attachments [S Elec 0693961 - 0693962]
- 299. E-mail from Sirockman dated 2/25/99 re: Focus Q 1 [S Elec 0694710]
- 300. E-mail from Sirockman dated 2/26/99 re: Conference Call [S Elec 0694724 - 0694725]
- 301. Email from Sirockman dated 3/3/99 8:53 am re: Daily Goals [S Elec 0709032]**
- 302. E-mail from Sirockman 3/9/99 re: January Retail Data [S Elec 0709400]
- 303. Expense report for the time period of March 7 - 13, 1999 [S ER AROMA 00178 - 00184]
- 304. Business cards of Jeffrey Aromando and Marc Sirockman [No bates number]
- 305. E-mail from Vaughn to Stewart, 1/18/99, re: Speakers Training in Miami [S 007991-007992]
- 306. E-mail from Vaughn to Stewart, 2/24/99 Re: Q1 Focus-Smokin' South [S Elec 0694695-0694697]
- 307. E-mail from Vaughn to Lundie, 2/26/99, re: FL Advisory Council [S Elec 0657806]
- 308. E-mail from Vaughn to Green, 2/26/99 re: Q4 Big Dog Plaques [S Elec 0657807]
- 309. E-mail from Vaughn to Stewart, 3/1/99, re: Q1 Update [S elec 0657808-809]
- 310. E-mail from Vaughn to Catala, 3/3/99, re: March POA [S Elec 0658015]**
- 311. E-mail from Vaughn to Winslow, 3/3/99 re: March POA [S Elec 0658016]**

- 312. E-mail from Vaughn to Richards, 3/3/99 re: March POA [S Elec 0658017]**
- 313. E-mail from Vaughn to Hopkins, 3/3/99 re: March POA [S Elec 0658018]**
- 314. E-mail from Sawin to Regions Directors and Stewart 03/02/99 re: READ NOW! FOCUS! [S Elec 0694794]
- 315. E-mail from Vaughn to Richards, 3/3/99 re: Daily Sales Report [S Elec 0658021]
- 316. E-mail from Vaughn to Stewart, 3/4/99 re: Synopsis of Plan for 3/4 Conference Call [S Elec 0658024]**
- 317. E-mail from Vaughn to Richards, 3/10/99 re: Elbert's Office [S Elec 0658060-062]
- 318. Email from Frank to Stewart 03/10/99 re: Net EDI 3/10/99 [S Elec 0521425]
- 319. E-mail from Stewart to Green, 3/10/99 re: Dr. Liporace/Scolaro [S Elec 0694866]
- 320. E-mail from Stewart to Green, 3/11/99, Re: Note for crystal Lion at NSM [S Elec 0694913]
- 321. E-mail from Vaughn to Richards, 3/15/99 re: [S Elec 0658073]
- 322. E-mail from Stewart to Green, 3/25/99 re: Strategic Planning Meeting [S Elec 0694960-961]
- 323. E-mail from Vaughn to Flowers, 3/25/99, re: [S Elec 0658528-0658529]
- 324. E-mail from Vaughn to Stewart, 3/25/99 re: Sales Flash March 23 [S Elec 0658538]
- 325. E-mail from Vaughn to Stewart, 3/25/99 re: March NSM follow-up [S Elec 0658539-541]
- 326. E-mail from Stewart to Vaughn, 3/25/99, re: Dr. Liporace Patient Testimonial Video [S Elec 0694986-987]
- 327. E-mail from Stewart to Vaughn, 3/26/99, re: March NSM follow-up [S Elec 0694994-997]
- 328. E-mail from Vaughn to Stewart, 3/26/99 re: Q1 Goals/Sales [S Elec 0658547]
- 329. E-mail from Vaughn to Lundie, 5/26/99 re: Speaker list for follow-up [S Elec 0663810-3813]

- 330. South Region Q2 Business Plan, April 4, 1999 [S Elec 0662664 - 0662669]
- 331. American Express statement, closing date: February 22, 1999, Acct. No. 3728-689427-47007 [no bates]
- 332. E-mail from Stewart to Sirockman, 3/25/99, re: Q2 Business Plan [S Elec 0694973-0694974]
- 333. E-mail from Sirockman to Sullivan, 2/12/99 re: Q1 Goals [S Elec 0693965-3966]
- 334. E-mail from Sirockman to Englert 2/12/99 re: Q1 Goals [S Elec 0693959-3960]
- 335. E-mail from Sirockman to King, 2/12/99 re: Q1 Goals [S Elec 0693955-3956]
- 336. E-mail from Sirockman to Raymond, 2/12/99 re: Q1 Goals [S Elec 0693963-3964]
- 337. E-mail from Sirockman to Jennings 2/12/99 re: Q1 Goals [S Elec 0693967-3968]
- 338. E-mail from Stewart to Sirockman 2/12/99 re: Q1 Goals [S Elec 0693973]
- 339. E-mails from Sirockman, cc: Stewart, 2/25/99 re: Unimed/NutriCARE [S Elec 0694708-4709]
- 340. E-mail from Sirockman to Stewart, 2/26/99 re: Monthly-February [S Elec 0694744-4752]
- 341. Memorandum from Sirockman to Stewart, 2/26/99 re: Monthly Report [S Elec 0694753-4758]
- 342. E-mail from Stewart to Sirockman, 3/2/99, Re: Strong Finish GREAT DATA! [S Elec 0694784]**
- 343. E-mail from Bruens to Norma Muurahainen, 3/8/99, re: Dr. Torres and Cannes [S Elec 0780312]**
- 344. Marc Sirockman's Expense Reports for the period 2/18/99-3/20/99 [S ER SIROC 00127 - 00155]
- 345. Vaughn American Express dated May 23, 1998 (Page 3 of 12) [no bates number]
- 346. Expense Report for Melissa Vaughn period ending 3/13/99 [S Er Vaugh 00116 - 00127]
- 347. Expense Report for Melissa Vaughn period ending 3/20/99 [S Er Vaugh 00128-00136]**
- 348. Expense Report for Melissa Vaughn period ending 3/27/99 [S Er Vaugh 00137-**

00147]

- 349. Expense Report for John Abel, period ending 3/6/99 [S Er Abel 00298-00301]
- 350. Memorandum for Fatima Burtch to Rick Schwalbert dated March 5, 1999 [no bates]**
- 351. Copy of check stub and front and back of \$4,000 check to Daniel Berger, M.D. [no bates]**
- 352. Mary Stewart Expense Report, period ending 8/8/98 [S 0626193-6194]
- 353. Mary Stewart expense report period ending 5/16/98 [S 0626182]
- 354. Mary Stewart expense report, period ending 9/19/98 [S 0626199-0626202]
- 355. American Express Statement, Vaughn, August 23, 1998 [no bates number]
- 356. American Express Statement, Vaughn, September 23, 1998 (pages, 3, 4 and 5 of 10) [no bates number]
- 357. American Express Statement, Vaughn, January 23, 1999 (pages 3 and 4 of 12) [no bates]
- 358. Sirockman Expense Report, period ending 8/1/98 [S Er 009793-009814]
- 359. E-mail from Bruens to Womble 5/12/99 re: Central Audio Visual/Ray Hudgens/Dr. Liporace [S 0046111]
- 360. Expense Report for William Frye for the period 4/18/99-4/24/99. [S ER Frye 00221-00246]
- 361. Expense Report for Jeffrey Lynch for the period 2/18/99-3/20/99 [S ER Lynch 00105-00116]
- 362. Immunity Order for Raymond Hudgens [no bates number]
- 363. E-mail from Mark Krueger to Norma Muurahainen, John Bruens, Susan Womble and others 4/04/99 re: Cannes Dinner reservation letter attached; invitees needed [S Elec 0991648].
- 364. Expense Report for William Frye expense report (EX 360) S ER Frye 00221-00246]

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Mary Elizabeth Carmody

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Mary Elizabeth Carmody

Mary Elizabeth Carmody
Assistant United States Attorney

Date: April 12, 2007